

ORIGINAL

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FILED

SEP 22 2015

CLERK U.S. BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
BY: Deputy Clerk

ENTERED

SEP 24 2015

CLERK U.S. BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
BY: Deputy Clerk

**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA**

11 In re:

12 CHARLES JOSEPH PEARSON,

13 Debtor.

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15 _____
16 ROGER J. MALCOLM, TRUSTEE OF THE
17 ROGER J. MALCOLM TRUST,

18 Plaintiff,

19 v.

20 CHARLES JOSEPH PEARSON,

21 Defendant.
22 _____

Case No. 8:14-bk-11076-ES

Chapter 7

Adv. No. 8:14-ap-01172-ES

JUDGMENT OF NONDISCHARGEABILITY

Judge: Honorable Erithe A. Smith

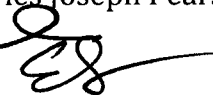
23 The Court, having granted the motion of Plaintiff Roger J. Malcolm, Trustee of the
24 Roger J. Malcolm Trust for judgment on the pleadings on his Complaint herein, which seeks
25 a determination of nondischargeability of the indebtedness set forth in the state court
26 judgment described therein,

27 ///

28 ///

1 IT IS ORDERED, ADJUDGED, AND DECREED AS FOLLOWS:

2 Pursuant to 11 U.S.C. § 523(a)(6), the indebtedness set forth in that certain
3 Judgment entered July 9, 2012 in favor of Plaintiff Roger J. Malcolm, Trustee of the Roger J.
4 Malcolm Trust ("Malcolm") and against Debtor / Defendant Charles Joseph Pearson in that
5 certain state court action entitled *Roger J. Malcolm, Trustee of the Roger J. Malcolm Trust v.*
6 *Charles Pearson and DOES 1 through 100, inclusive*, Orange County Superior Court Case No.
7 30-2011-001510285, attached hereto as Exhibit "A", is NONDISCHARGEABLE, i.e., the
8 discharge in the above-referenced bankruptcy case (*In re Charles Joseph Pearson*, Case No.
9 8:12-bk-11076-ES) DOES NOT DISCHARGE debtor Charles Joseph Pearson from said debt.

10 ~~Malcolm shall recover his costs incurred herein.~~ 

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14 DATED: 



15 JUDGE OF THE UNITED STATES
16 BANKRUPTCY COURT
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EXHIBIT “A”

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER

JUL 09 2012

ALAN CARLSON, Clerk of the Court

K. Blair
BY K. BLAIR *KP*

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ORANGE

ROGER J. MALCOLM, TRUSTEE OF THE
ROGER MALCOLM TRUST,

Plaintiff,

v.

CHARLES PEARSON and DOES 1
through 100, inclusive,

Defendants.

CASE NO. 30-2011-00510285

JUDGMENT

Roger J. Malcolm, Trustee of the Roger Malcolm Trust v. Charles Pearson, et al.,
case number 30-2011-00510285, was filed on September 23, 2011.

The Summons and Complaint in the action were served defendant PEARSON on
September 23, 2011. Defendant PEARSON'S default was entered by the Court on
November 30, 2011.

1 Thereafter, plaintiff MALCOLM applied to the Court for a Default Judgment upon
2 affidavits.

3 GOOD CAUSE APPEARING, IT IS ORDERED, ADJUDGED, AND DECREED
4 THAT:

5 Judgment be entered against defendant CHARLES PEARSON in favor of plaintiff
6 ROGER J. MALCOLM, TRUSTEE OF THE ROGER MALCOLM TRUST as follows:

- 7 1. Damages for trespass and injuring the subject tree in the amount of
8 \$24,750.00;
9
10 2. Damages for injuring the subject tree be trebled to \$74,250.00, pursuant to
11 Civil Code section 3346 and Code of Civil Procedure section 733;
12 3. ~~Damages for emotional distress in the amount of \$25,000.00; and,~~
13 2. Costs in the amount of \$470.00.

14 TOTAL JUDGMENT: ~~\$99,720.00.~~ 99,470.00 *FF*

15 DATED: May ___, 2012

16 JUL 09 2012

17 By: 

18 Judge of the Superior Court for the State
19 of California, County of Orange

20 J. J. JAMES